

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: January 09, 2023

James Verl Barlow
Franklin County Correctional Center II
2460 Jackson Pike
Columbus, OH 43223

Mr. Steven Martin Brown
Law Office
5664 Montridge Lane
Dublin, OH 43016

Mr. Michael J. Hunter
Office of the U.S. Attorney
303 Marconi Boulevard
Suite 200
Columbus, OH 43215

Re: Case No. 23-3018, *USA v. James Barlow*
Originating Case No. : 2:21-cr-00089-1

Dear Counsel,

This appeal has been docketed as case number **23-3018** with the caption that is enclosed on a separate page.

Even if the defendant filed the notice of appeal, Sixth Circuit Rule 12(c)(1) requires that counsel continue representation on appeal until specifically relieved by this Court. If a convicted defendant did not qualify to proceed in forma pauperis in the district court but appears to qualify on appeal, Sixth Circuit Rule 24 requires that "trial counsel must see that the defendant completes CJA Form 23 (for an incarcerated defendant) or Fed. R. App. P. Form 4 (for a defendant not incarcerated) and files it in the district court." Counsel's failure to act in this situation may result in adverse action from this court.

You have until **January 23, 2023** to either pay the \$505.00 appellate filing fee or file a motion for leave to proceed on appeal in forma pauperis and an accompanying financial

affidavit. Either one must be paid/filed with the U.S. District Court. **Failure to do one or the other may result in the dismissal of the appeal without further notice.** If you move for pauper status and the district court denies your motion in part or in full, or if you are otherwise dissatisfied with the district court's ruling, you may renew the motion for pauper status in this court within 30 days of that ruling.

Before preparing any documents to be filed, counsel are strongly encouraged to read the Sixth Circuit Rules at www.ca6.uscourts.gov. If you have not established a PACER account and registered with this court as an ECF filer, you should do so immediately. Your password for district court filings will not work in the appellate ECF system.

At this stage of the appeal, the following forms should be downloaded from the website and filed with the Clerk's office by **January 23, 2023**. Additionally, the transcript order must be completed by that date. For further information and instructions on ordering transcript electronically, please visit the court's website.

Appellant: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

Appellee: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

More specific instructions are printed on each form. If the filing fee for the appeal is due because the appellant is not indigent, it must be paid to the District Court by **January 23, 2023**. These deadlines are important -- if the initial forms are not timely filed or the filing fee is due but not paid, the appeal will be dismissed for want of prosecution.

If you have questions after reviewing the forms and the rules, please contact the Clerk's office for assistance.

Sincerely yours,

s/Michelle R. Lambert
Case Manager
Direct Dial No. 513-564-7035

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 23-3018

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JAMES VERL BARLOW

Defendant - Appellant